



September 13, 2004

Ms. Tam Doduc
Deputy Secretary for Environmental Quality
California Environmental Protection Agency
P.O. Box 2815
Sacramento, CA 95812

VIA ELECTRONIC MAIL TO: EnvJustice@calepa.ca.gov

Re: Comments on the August 2004 Draft of the Environmental Justice Action Plan

Dear Ms. Doduc:

Communities for a Better Environment, Environmental Health Coalition, People Organizing to Demand Environmental & Economic Rights, Silicon Valley Toxics Coalition, and Center for Community Action and Environmental Justice submit the following comments on the August 2004 Draft Environmental Justice Action Plan. In general, this draft is a significant improvement over the May 2004 draft. We are very supportive and encouraged by the emphasis and focus on addressing precautionary approaches and cumulative impacts. We are concerned, however, that this latest draft does not provide the guidance, framework or 'meaningful stakeholder input' so necessary to achieve environmental justice:

Concerns related to the Workgroups:

- 1. The role of the Environmental Justice Advisory Committee is too narrow to have a meaningful impact on the policy process of the Workgroups.**

We are very concerned that the role of the Advisory Committee appears limited to the formation of pilot projects, as outlined in Section 3. Notably, the committee will only be convened once per year during implementation of the Action Plan (per Section 5), which will severely limit the amount of input the Committee will have as a group. The members of the Advisory Committee, that invested so much time and effort in developing the Environmental Justice Recommendations, deserve to have, and have the experience to

have, a greater role in the Precautionary Approaches Workgroup, Cumulative Impacts Workgroup, and Public Participation Workgroup. Seeking the Committee's input once per year and through standard public workshops, is simply not sufficient. **Accordingly, we would suggest that these workgroups include members of the Advisory Committee.**

2. Advisory Committee and community input to the Workgroups is insufficient.

The phrase "appropriate stakeholder input" is used in the description of each of the Workgroups, in Sections 2.1, 2.2, and 2.4. Yet nowhere in these sections is the manner or frequency of input opportunities defined. Nor do sections 4 and 5 add much clarity to the issue. As to the general public, Section 4 merely states that public workshops will be conducted regarding the Workgroups' activities; Section 5 adds only that there will be one set of workshops, in the fall of 2004. As to the Advisory Committee members' relationship to the Workgroup process, section 4 only provides very generally that "Cal/EPA will seek input from the members of the Advisory Committee during implementation of the Action Plan", whereas Section 5, as mentioned above, limits the meetings of the Advisory committee to one per year. Thus, if the descriptions in Sections 4 and 5 are the sum total definition of "appropriate stakeholder input" to the Workgroups, this is simply not sufficient. **Therefore, in addition to our suggestion in paragraph 1 above, we suggest that the Advisory Committee meet quarterly to discuss and obtain public input upon the policy recommendations from the Workgroups.**

Concerns Related to the Pilot Projects:

3. For purposes of the pilot projects, too much emphasis is given to "risk reduction", rather than overall reduction of impacts.

Risk assessment as a science has many shortcomings in predicting actual impacts to public health, especially at the cumulative risk level. For this reason, we are opposed to risk reduction being the sole measure of success of the pilot projects, as is implied with the title of "Children's Environmental Risk Reduction Plan". Instead, the pilot projects "plans" should be broad enough to include concepts of reduction of emissions, exposure, and risk, precaution, and cumulative impacts. We thus suggest that the ChERRPs be renamed and better defined.

4. The role of the CalEPA Children's Environmental Health Center is not well defined, nor is the organization's connection to environmental justice specified.

In Section 3.2, the CalEPA Children's Environmental Health Center is listed as working with the Office of the Secretary to assist in coordinating the pilot projects with the work of the Workgroups. While this Center has significant experience in children's environmental health issues, its connection to and experience with issues of environmental justice is less clear. Additionally, the manner in which this coordination is to occur is unclear and should be specified.

5. Advisory Committee and community input in the selection and development of the Pilot Projects is insufficient.

Section 3 provides that there will be “meaningful stakeholder input” into developing the EJ pilot projects; however, Section 5 specifies only that in Spring 2005, public meetings will be held to solicit input for the EJ pilot projects. A series of public workshops will be insufficient to develop and select pilot projects. Instead, we would suggest that in addition to these public workshops, CalEPA work with the Advisory Committee and existing community-based environmental justice organizations to identify potential projects.

6. No mechanism is specified for the development, communication, and assessment of policy recommendations from the Pilot Projects.

Section 3 also provides that there will be “meaningful stakeholder input” in developing “recommendations for incorporating cumulative impacts methodology and precautionary approaches into environmental decision-making.” However, Section 4 only lists the opportunity for stakeholder and public input into the ChERRPs, and Section 5 specifies only that in Spring 2005, public meetings will be held to solicit input for the EJ pilot projects and ChERRPs. Nowhere is Section 4 or 5 is a mechanism specified to give the Advisory Committee or the public the opportunity to make and develop these critical policy recommendations. This role is reserved solely for the IWG, according to Section 5. The policy recommendations that are developed as a result of the Pilot Projects are a critical piece to integrating environmental justice into the work of the Cal/EPA BDOs, and as such, the Advisory Committee and communities hosting the Pilot Projects must have a significant role in developing those recommendations. We therefore suggest that the policy recommendations from the Pilot Projects be considered at the quarterly meetings of the Advisory Committee, where public input and comments from affected communities can be obtained.

7. Leads for each of the pilot projects should not necessarily be Advisory Committee members, but should instead be based in the communities in which the pilot projects take place.

Finally, leads or co-leads for each of the pilot project teams must come from the communities where the projects are located. This may or may not be an Advisory Committee member. It is imperative that these projects be community-based and community-driven, and as such, the LAGs must have a community co-lead.

Thank you for your consideration of our comments. We look forward to continuing to work with you on this important endeavor.

Sincerely,

Antonio Diaz, Executive Director
People Organizing to Demand Environmental & Economic Rights

Yuki Kidokoro, Interim Executive Director
Communities for a Better Environment

Penny Newman, Executive Director
Center for Community Action and Environmental Justice

Ted Smith, Executive Director
Silicon Valley Toxics Coalition

Diane Takvorian, Executive Director
Environmental Health Coalition